

Order

Michigan Supreme Court
Lansing, Michigan

November 24, 2010

Marilyn Kelly,
Chief Justice

141218 & (20)(21)

Michael F. Cavanagh
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway
Alton Thomas Davis,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 141218
COA: 296018
Wayne CC: 02-010195-FC

TYSON DAVID O'NEAL,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the April 19, 2010 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Wayne Circuit Court. The trial court's January 21, 2009 Opinion and Order states that the defendant's judgment of sentence incorrectly showed the defendant as a fourth felony offender, when it should have designated him a second felony offender, and noted that a corrected judgment of sentence would be sent to the Department of Corrections. The copy of the judgment of sentence in the record does not reflect that the amendment or correction has been made. On remand, the circuit court shall assure that an amended judgment of sentence is prepared and transmitted to the Department of Corrections. In all other respects, leave to appeal is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court. The motions to remand and for appointment of counsel are DENIED.



1117

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 24, 2010

Corbin R. Davis

Clerk